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**EUROPEAN LANDSCAPE CONVENTION
– Florence Convention –**

***FIRST CONFERENCE OF THE CONTRACTING AND
SIGNATORY STATES TO THE EUROPEAN LANDSCAPE CONVENTION***

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Theme 1

**Landscape policies: a contribution to the well-being
of European citizens and sustainable development
– social, economic, cultural and ecological aspects –**

by

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The Florence Convention of 20 October 2000 makes a vital contribution to Europe-wide recognition of a common European heritage of a new kind: the landscape.

The reason why states are being led to acknowledge legally that the landscape is an essential component of their populations' daily environment is that the landscape is an expression of European natural and cultural heritage and contributes to both human fulfillment and the strengthening of European identity.

This convention is therefore the latest in the line of major Council of Europe conventions on various forms of heritage:

- Paris (1954), cultural heritage;
- Bern (1979) natural heritage;
- Granada (1985), architectural heritage;
- London (1969-1992), archaeological heritage.

As a contribution to sustainable development, the introduction of new objectives in protecting, managing and developing landscapes will make it possible for all individuals to live in an unspoilt environment, thereby answering their aspirations to a human right to a healthy environment.

The convention is a means of reconciling fundamental rights to property, life and health with the right to quality of life, while building on the requirements for information and participation set out in the (UN-ECE) Aarhus Convention of 25 June 1998 on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which came into force on 30 October 2001.

1. The landscape is a collective heritage whatever its value or location

The convention defines the landscape in all its aspects but makes no value judgments, in other words, it does not consider that only outstanding landscapes are worthy of interest. According to Article 1a, “Landscape” means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”. The territorial scope of the convention is therefore extremely wide, as it applies to the whole territory of states parties, covering urban and suburban areas as well as natural and rural areas. Inland and marine waters are also included. The convention does away with all elitist visions of the landscape and clearly states that it covers not only outstanding landscapes, but also ordinary landscapes, even including spoiled or “ugly” landscapes. As such, the convention is a vital contribution to regional planning policies. The landscape is an important component of people's daily environment and quality of life and, as stated in the preamble, it also contributes to the formation of local cultures and consolidation of the European identity.

But the landscape is not merely a cultural and ecological heritage, it is also an economic heritage. In its preamble, the convention emphasises that the landscape constitutes a resource favourable to economic activity and that its protection, management and planning can contribute to job creation. Sustainable tourism as an economic activity contributing to local development cannot do without the landscape, as it is the capital that it has to make yield a profit.

2. The landscape must be the subject of an *ad hoc* public policy

One of the most important provisions of the Florence Convention is that states must undertake to establish and implement landscape policies (Article 5b). According to Article 1b, landscape policy “means an expression [...] of general principles, strategies and guidelines that permit the taking of specific measures” concerning the landscape. In parallel with this specific policy, it is essential that the landscape be integrated into other policies, just as the environment must be integrated under principal 4 of the Rio Declaration of 1992, in order to achieve sustainable development (Article 5d of the convention).

What attitude should be taken when applying landscape policy? Until now, only protection was considered appropriate. Naturally, protection is important in order to preserve whatever is significant or characteristic, but landscape policy can no longer be restricted to the idea of conservation alone. This is why the threefold notion of protection, management and planning set out in Article 1d, e and f is stressed throughout the convention. The landscape is not unchangeable, it must be maintained in order to keep pace with developments in its environment, or even to precede them by creating new landscapes.

The convention adds the innovating concept of “landscape quality objectives” to landscape policy instruments. States undertake to define these landscape quality objectives (Article 6D). The objectives must set out the management, maintenance and protection measures required to give a specific landscape particular features in a particular place (Article 1c). These quality objectives are to be incorporated in the various land-use plans and must be treated by private or public individual activities as constraints in the public interest. They should reflect the public’s aspirations and should therefore be drawn up in close collaboration with the public.

3. The landscape must be a place of democratic citizenship

The landscape must no longer be something to which people are “subjected” as it has sometimes been in the past, an area reserved exclusively for experts or an elite. It is the Council of Europe’s intention to make the landscape more democratic in order to contribute to the acknowledgement of the right to the landscape as an inseparable aspect of human beings’ right to a quality environment.

The preamble refers to everyone’s right to a landscape. In its decision of 11 March 1985 in the case of *Muriel Herrick v. United Kingdom* (application No.11185/84), the European Commission of Human Rights noted with regard to the protection of Jersey’s landscape, which, it was claimed, infringed property law, that areas of landscape interest may be protected by monitoring development to the benefit of inhabitants as well as visitors, without violating either property law or the right to a home and private life. Monitoring spatial planning in order to protect landscapes is a legitimate goal in the public interest and recognised as necessary in a democratic society.

In order to make exercising power in landscape matters more democratic, the European Landscape Convention, in the light of the principles set out in the 1998 Aarhus Convention¹, makes several references to keeping inhabitants informed and encouraging their participation.

¹ The Aarhus Convention, special edition of the *Revue Juridique de l’Environnement*, 1999.

Responsibility for the landscape does not necessarily have to be national and centralised. Under Article 4 of the convention, states are free to choose the appropriate level at which policy and administrative decisions are to be taken, respecting the principle of subsidiarity and the European Charter of Local Self-Government of 15 October 1985. Furthermore, under Article 5c of the convention, states undertake to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of landscape policies. Finally, local partners must, in particular, be closely involved in identifying the landscape and defining landscape quality objectives (Article 6-C-1 a, d 6-D). The public must naturally play an active role in measures to protect, manage and develop the landscape.

This, the first regional convention of the 21st century, will, we hope, enable tomorrow's landscape to continue to be society's mirror, enabling future generations to see their reflection for evermore.